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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,483	12/20/2001	Hiroki Yamauchi	50023-161	3516

7590 07/30/2004
MCDERMOTT, WILL & EMERY
600 13th Street, N. W.
Washington, DC 20005-3096

EXAMINER

WOO, ISAAC M

ART UNIT PAPER NUMBER

2172

DATE MAILED: 07/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/023,483

Applicant(s)

YAMAUCHI ET AL.

Examiner

Isaac M Woo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-2, 6-9, 11-17 and 19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,6-9,11-17 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/20/2001</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant elected Group I, claims 1-2, 6-9, 11-17 and 19, without traverse in the paper, filed on June 03, 2004. Applicant cancelled claims 3-5, 10, 18 and 20 without prejudice.
2. Claims 2, 6, 11-14 are amended. Claims 1-2, 6-9, 11-17 and 19 are pending in this Office Action.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2, 6-9, 11-17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Norinet al (U.S. Patent No. 5,794,253, hereinafter, "Norin").

With respect to claims 1-2, 7, 12 and 19, Norin discloses, adding relevant information mutually (60, 62, fig. 4, col. 17, lines 23-28, once the system of Norin finds expired data, the system processes updating or removing data, which means adding relevant information) associated with the data to both or either one of a specific data of which effective period expires (58, fig. 4, col. 17, lines 3-22, fig. 3) and/or a following data corresponding to the specific data, see (fig. 4, col. 16, lines 8-67 to col. 17, lines 1-43, the system of Norin checks data if it is expired or not, and performing next process with adding information on that data). Norin discloses the relevant information including the data at the time of referring to the specific data or the following data, see (60, 62, fig. 4, col. 17, lines 23-28 as discussed above limitations). Norin does not explicitly disclose searching corresponding data. However, Norin discloses FIG. 2 presents a greatly simplified high-level, block diagram of a discovery based data recovery process. In FIG. 2 the discovery based data recovery process is illustrated by backfill processing block 20, see (fig. 2, col. 11, lines 21-59). And Backfill: A discovery based data recovery process by which changes held by other servers (called replica nodes) but not held locally are recovered so that the copy of the data set (called a replica) held locally is the same as replicas held by other replica nodes, see (col3, lines 42-48). This teaches that the discovery refers to looking for or searching for data. Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to include searching corresponding data in the system of the Norin. Because the process of searching data is basic data manipulation in data management system, which provides finding data that user wants.

With respect to claim 6, Norin discloses, storing the effective period and the reference information of data including the effective period associating each other and notifying of the expiration when the effective period expires (fig. 4, col. 16, lines 8-62); and performing on the data specific processing due to the expiration of the effective period at receiving the notice from the effective period, see (fig. 3, col. 12, lines 37-63).

With respect to claim 7, Norin discloses that specific processing is to prepare the corresponding following data, see (64, fig. 4, col. 19, lines 23-58).

With respect to claim 8, Norin discloses that specific processing is to delete the data of which effective period expires, see (60, fig. 4, col. 17, lines 17-28).

With respect to claim 9, Norin discloses, storing the time information and the reference information of data including the time information associating each other and notifying to the effective that the time indicated by the time information has come; and preparing the following data at receiving the notice from the update management means, see (6, fig. 4, 48, fig. 3, col. 15, lines 10-33).

With respect to claim 11, Norin discloses, storing the extension period information to extend the effective period and renewing the effective period of data of which effective period expires to the period indicated by the extension period

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information when the effective period expires, see (6, fig. 4, 48, fig. 3, col. 15, lines 10-33).

With respect to claim 13, Norin discloses, monitoring the searching frequency of the following data and the data corresponding to the following data; and the searching order management means changes the searching orders of the specific data and the following data according to the searching frequency, see (col. 5, lines 10-58).

With respect to claim 14, Norin discloses that the data are information to carry out the security communication on a network, and the effective period is that of the information, see (col. 8, lines 51-67).

With respect to claim 15, Norin discloses that the information to carry out the security communication contains either one of an authentication algorithm, an encryption algorithm, an authentication key, or an encryption key, see (col. 7, lines 38-67 to col. 8, lines 1-11).

With respect to claim 16, Norin discloses that the data are SA (Security Association) applied to the IPSEC (Internet Protocol Security Protocol), see (col. 7, lines 38-67 to col. 8, lines 1-11).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Norin et al (U.S. Patent No. 5,832,514) discloses the system for discovery based data recovery in a store and forward replication system are presented. Data loss is discovered by comparing a list of changes made to a local copy of a replica object with a list of changes received over the network from other nodes also having a copy of the replica object. When the list of changes received contains changes that the local list does not, the local system knows its copy of the replica object is not up-to-date. Missing changes are then requested from other systems having the missing data. In making the request, care is taken to minimize the cost incurred in recovering the missing data and to balance network traffic among several other nodes, if possible.

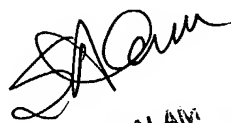
Contact Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac M Woo whose telephone number is (703) 305-0081. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (703) 305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

IMW
July 23, 2004


SHAHID ALAM
PRIMARY EXAMINER